

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street
Sacramento, California 95814

Main website: www.energy.ca.gov



In the Matter of:)	Docket No. 02-P11-01
)	
Petroleum Industry Information)	NOTICE OF AVAILABILITY OF
Reporting Act Regulations (PIIRA))	15-DAY LANGUAGE
)	RE: PIIRA REGULATIONS

Notice of Availability of 15-Day Language

The 15-Day Language for the proposed new and amended regulations on the petroleum data collection is available for comment.

Background

On December 3, 2004, the Energy Commission published a Notice of Proposed Action (NOPA) concerning the potential adoption of new and amended regulations on petroleum data collection requirements, along with the text of the proposed regulations (45-Day Language) and an Initial Statement of Reasons describing the rationale for the proposed changes. On March 16, 2005, the Energy Commission published revised regulations (15-Day Language) and a notice of a hearing to adopt the proposed regulations. On April 13, 2005, the Energy Commission adopted the proposed regulations and subsequently submitted them to the Office of Administrative Law.

On August 8, 2005, the Office of Administrative Law denied the proposed regulations based on the following deficiencies:

1. Failure to comply with the Clarity and Reference standard of Government Code section 11349.1 in three of the proposed regulations:
 - 1365.2, Emergency Reporting
 - Appendix C, Section III, Electronic Maps
 - Appendix A, Subdivision 2, Weekly Reporting
2. The regulatory filing omitted reference citations in 13 of the proposed regulations.
3. Materials referenced in the proposed regulations were not referenced correctly and/or not included within the text of the regulations:
 - References to other Administrative Codes
 - Copies of the proposed reporting forms and instructions
4. The regulatory file does not contain all required documents, and/or required documents included in the file were defective:

- The Notice of Proposed Rulemaking (45-Day Notice) was not provided to the Office of Administrative Law
- The Statements of Mailing did not conform with the requirements applicable to mailing
- A referenced report (Energy Information Administration Report "Accuracy of Petroleum Supply Data") was not listed in the original notice
- A 15-day comment period should have been allowed for the change made to section 1366 (k) on April 13, 2005. This change clarified reporting requirements for major petroleum marketers

The Energy Commission has revised the proposed regulations to address the deficiencies identified by the Office of Administrative Law and placed all required documents in the regulatory file, specifically:

- The revised Proposed Regulations
- Copies of the following codes as adopted by reference in the proposed regulations at section 1363 (Definitions):
 - Arizona Administrative Code tit. 20., ch. 2, effective June 5, 2004
 - California Code of Regulations, tit. 13, sections 2250-2273.5, effective April 9, 2005
 - California Code of Regulations, tit. 13, sections 2281-2285 and tit.17, section 93114, operative August 14, 2004
 - Clark County Code of Regulations sections 53 - 54, amended January 20, 2005
 - Nevada Administrative Code, ch. 590, effective September 21, 2004
 - United States Code, tit. 43, ch. 1331
- Draft forms and instructions for reporting information pursuant to the Public Resources Code and the proposed regulations
- Final Statement of Reasons filed with the Office of Administrative Law
- Express Terms of Proposed Regulations
- Energy Commission April 13, 2005, Resolutions to Adopt the proposed regulations
- Transcript of the April 13, 2005, Hearing to Adopt the proposed regulations
- Additional documents relied upon:
 - Accuracy of Petroleum Supply Data,
 - Transcript of March 18, 2003, Workshop on Draft Forms and Instructions
 - Transcript of April 27, 2004, Hearing on Forms and Instructions
 - 45-Day Notice of Proposed Regulatory Action
 - Legislative Analyses of SB 1692
 - Copy of Securities and Exchange Commission Form 10-K
 - Copies of Forms and Instructions for EIA Form 782B
 - Transportation Fuels Assessment Report, California Energy Commission, Publication Number 100-03-13F
 - 2003 Energy Policy Report, California Energy Commission, Publication Number 100-03-019F

In addition to these new documents, the original notice, proposed regulations, initial statement of reasons, final proposed regulations submitted to the Office of

Administrative Law, Final Statement of Reasons, and the Decision to Disapprove the proposed regulations from the Office of Administrative Law, are available in the regulatory file.

These documents are available at the Energy Commission website at:
<http://www.energy.ca.gov/oil/piira/index.html>.

Last, at the April 13, 2005 Business Meeting the Energy Commission adopted the proposed regulation with an amendment that limited the reporting requirements for major marketers to those who are required to file the Form EIA 782B published by the United States Department of Energy. The Office of Administrative Law determined that the Energy Commission must provide 15-day comment on this amendment. Comments on this amendment are also invited during this comment period.

Copies of the proposed regulations adopted on April 13, 2005, the Final Statement of Reasons, and the Decision to Deny the Proposed Regulations are also available at the same site.

Written Comments

The Energy Commission is accepting written comments on matters raised in the Decision of Disapproval made by the Office of Administrative Law. Comments will be accepted until September 30, 2005. Include the docket number, 02-P11-01, and indicate *PIIRA 15-Day Language* in the subject line or first paragraph of your comments. Please hand deliver or mail an original plus 10 paper copies to:

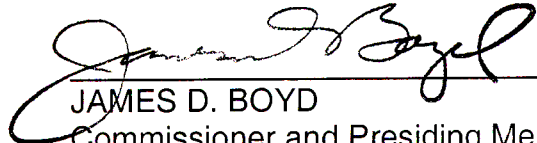
California Energy Commission
Dockets Office, MS-4
Re: Docket No. 02-P11-01
1516 Ninth Street
Sacramento, CA 95814-5512

The Energy Commission encourages comments by e-mail. Please include your name or organization in the name of the file. Those submitting comments by electronic mail should provide them in either Microsoft Word format or as a Portable Document Format (PDF) to [docket@energy.state.ca.us]. **One paper copy** must also be sent to the Energy Commission's Docket Unit.

Public Participation

The Energy Commission's Public Adviser, Margret J. Kim, provides the public assistance in participating in Energy Commission activities. If you need information please contact the Public Adviser's Office at (916) 654-4489 or toll free at (800) 822-6228, by FAX at (916) 654-4493, or by e-mail at [pao@energy.state.ca.us].

Dated: September 12, 2005


JAMES D. BOYD
Commissioner and Presiding Member
Transportation Committee

Note: California Energy Commission's formal name is State of California Energy Resources Conservation and Development Commission